

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JESSICA SMITH,

Plaintiff,

v.

FAMILY DOLLAR STORES OF
GEORGIA, LLC,

Defendant.

CIVIL ACTION FILE NO.

**(Removed from the State Court of
Gwinnett County, State of Georgia,
No. 23-C-00899-S3)**

DEFENDANT’S NOTICE OF REMOVAL

COMES NOW, **FAMILY DOLLAR STORES OF GEORGIA, LLC** [hereinafter “Defendant”], Defendant in the above-captioned civil action, by and through its undersigned counsel and pursuant to Federal Rule of Civil Procedure 11 and 28 U.S.C. §§ 1332, 1441, and 1446, hereby gives notice that this action has been removed from the State Court of Gwinnett County, State of Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division, respectfully showing the following:

STATEMENT OF FACTS

1.

On February 9, 2023, a civil action styled *Jessica Smith v. Family Dollar Stores of Georgia, LLC* was filed, and currently is pending under the aforementioned caption, in the State Court of Gwinnett County, State of Georgia. *See generally* Pl.’s Compl.

2.

In her Complaint, Plaintiff alleges negligence, arising from a trip-and-fall allegedly occurring on or about October 19, 2021. *Id.* ¶ 5.

3.

On February 14, 2023, Plaintiff filed with the state court her Affidavit of Service, reflecting service on Defendant’s registered agent. Service is affirmed to have been effected on February 10, 2023, on Defendant’s registered agent. Pl.’s Aff. of Service.

4.

On March 9, 2023, Defendant timely filed its Answer to Plaintiff’s Complaint.

PROCEDURAL REQUIREMENTS

5.

In accordance with 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served on Defendant are attached hereto. *See* Def.'s Notice of Removal Ex.

A.

6.

In accordance with 28 U.S.C. § 1446(b), this Notice is being filed within thirty (30) days of Defendant's receipt—through personal service, on February 10, 2023, Pl.'s Aff. of Service—of Plaintiff's Complaint.

7.

In accordance with 28 U.S.C. § 1446(d), this Notice of Removal is being served on all adverse parties, and a copy of the Notice is being filed with the Clerk of the State Court of Gwinnett County.

8.

By filing this Notice of Removal, Defendant does not waive any defenses that may be available to it.

ARGUMENT AND CITATIONS OF AUTHORITY

9.

Removal to this venue is proper, because the State Court of Gwinnett County lies within the jurisdictional boundary of the United States District Court for the Northern District of Georgia.

10.

This Court has jurisdiction over this matter under 28 U.S.C. § 1332(a), because upon information and belief, there is complete diversity of citizenship and the amount in controversy exceeds \$75,000.00.

11.

In her Complaint, Plaintiff alleges that she is an individual and resident of the State of Georgia. Pl.'s Compl. ¶ 2.

12.

Defendant is a foreign limited-liability company. At least one member of Defendant is a citizen of the State of Virginia. *See Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C.*, 374 F.3d 1020, 1022 (11th Cir. 2004).

13.

In her pre-suit demand, propounded on May 20, 2022, Plaintiff alleges that she has incurred medical costs totaling \$92,344.36.

14.

The jurisdictional minimum threshold amount is met for diversity jurisdiction, as Plaintiff's claim for damages exceeds the jurisdictional minimum of \$75,000.00. 28 U.S.C. § 1332(a).

15.

CONCLUSION

WHEREFORE, having shown that this case is properly removable, Defendant provides notice pursuant to 28 U.S.C. § 1446 that the action pending in the State Court of Gwinnett County, State of Georgia, case no. 23-C-00899-S3, is removed to the United States District Court for the Northern District of Georgia, and respectfully requests that this Court exercise jurisdiction over this case.

Respectfully submitted this 13th day of March, 2023.

HALL BOOTH SMITH, P.C.

/s/ Michael V. Profit
MICHAEL V. PROFIT
Georgia Bar No. 359175

191 Peachtree Street, N.E.
Suite 2900
Atlanta, Georgia 30303-1775
(404) 954-5000 Telephone
(404) 954-5020 Facsimile
mprofit@hallboothsmith.com

Attorney for Defendant

LOCAL RULE 7.1D CERTIFICATION

Pursuant to Local Rule 7.1D for the Northern District of Georgia, counsel for Defendant certifies that the above and foregoing is a computer document prepared in Times New Roman (14 point) font, in accordance with Local Rule 5.1B and C.

EXHIBIT “A”

General Civil and Domestic Relations Case Filing Information Form☐ Superior or ☐ State Court of _____ County**For Clerk Use Only****23-C-00899-S3**Date Filed _____
MM-DD-YYYY

Case Number _____

Plaintiff(s)

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Defendant(s)

FAMILY DOLLAR STORES OF GEORGIA, LLC

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Plaintiff's Attorney _____ State Bar Number _____ Self-Represented ☐**Check one case type and one sub-type in the same box (if a sub-type applies):****General Civil Cases**

- ☐ Automobile Tort
- ☐ Civil Appeal
- ☐ Contempt/Modification/Other Post-Judgment
- ☐ Contract
- ☐ Garnishment
- ☐ General Tort
- ☐ Habeas Corpus
- ☐ Injunction/Mandamus/Other Writ
- ☐ Landlord/Tenant
- ☐ Medical Malpractice Tort
- ☐ Product Liability Tort
- ☐ Real Property
- ☐ Restraining Petition
- ☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
- ☐ Contempt
- ☐ Non-payment of child support, medical support, or alimony
- ☐ Dissolution/Divorce/Separate Maintenance/Alimony
- ☐ Family Violence Petition
- ☐ Modification
- ☐ Custody/Parenting Time/Visitation
- ☐ Paternity/Legitimation
- ☐ Support – IV-D
- ☐ Support – Private (non-IV-D)
- ☐ Other Domestic Relations

- ☐ Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

_____ Case Number

_____ Case Number

- ☐ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

_____ Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

23-C-00899-S3

2/9/2023 12:29 PM
TIANA P. GARNER, CLERK

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

23-C-00899-S3

CIVIL ACTION

NUMBER: _____

PLAINTIFF

VS.

DEFENDANT

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

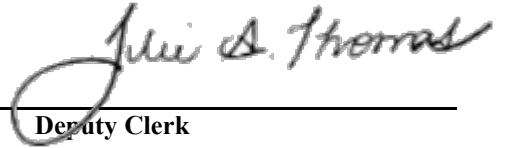
an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

9th day of February, 2023

This _____ day of _____, 20____.

Tiana P. Garner
Clerk of State Court

By _____


Deputy Clerk

INSTRUCTIONS: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.



Notice of Service of Process

null / ALL
Transmittal Number: 26365832
Date Processed: 02/10/2023

Primary Contact: Kurt Pohlig La Fontaine
Dollar Tree Stores Inc
500 Volvo Pkwy
Chesapeake, VA 23320-1604

Electronic copy provided to: JJ Jacobson-Allen
Heather Hunter

Entity: Family Dollar Stores of Georgia, LLC
Entity ID Number 3697582

Entity Served: Family Dollar Stores of Georgia, LLC

Title of Action: Jessica Smith vs. Family Dollar Stores of Georgia, LLC

Matter Name/ID: Jessica Smith vs. Family Dollar Stores of Georgia, LLC (13622153)

Document(s) Type: Summons/Complaint

Nature of Action: Personal Injury

Court/Agency: Gwinnett County State Court, GA

Case/Reference No: 23-C-00899-S3

Jurisdiction Served: Georgia

Date Served on CSC: 02/10/2023

Answer or Appearance Due: 30 Days

Originally Served On: CSC

How Served: Personal Service

Sender Information: Haug Narron Law Group, LLC
470-258-1322

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com

E-FILED IN OFFICE - JT
CLERK OF STATE COURT
GWINNETT COUNTY, GEORGIA
23-C-00899-S3
2/9/2023 12:29 PM
TIANA P. GARNER, CLERK

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

JESSICA SMITH

23-C-00899-S3

CIVIL ACTION
NUMBER: _____

PLAINTIFF

VS.

FAMILY DOLLAR STOERS OF GEORGIA, LLC

c/o CSC

DEFENDANT

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

WILLIAM T. JOYNER
HAUG LAW GROUP
8237 DUNWOODY PL BLD 1
ATLANTA, GA 30350

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

9th day of February, 2023

This _____ day of _____, 20____.

Tiana P. Garner
Clerk of State Court

By 
Deputy Clerk

INSTRUCTIONS: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.

Plaintiff is an individual and resident of Muscogee County, Georgia and submits to the jurisdiction and venue of this Court.

3.

Jurisdiction is proper as to Defendant Family Dollar Stores of Georgia, LLC., because it is registered to do business in the state of Georgia.

4.

Venue is proper as to Defendant Family Dollar Stores of Georgia, LLC, because Defendant's registered agent is located in Gwinnett County, Georgia and its registered agent, Corporation Service Company, may be served at 2 Sun Court, Suite 400, Peachtree Corners, Georgia 30092.

FACTS APPLICABLE TO ALL CLAIMS

Plaintiff hereby incorporates by reference the allegations contained in this Complaint for Damages and reassert said allegations as if fully set forth herein.

5.

On or about October 19, 2021, the date of her injuries, Plaintiff was an invitee of Defendant's in accordance with the provisions of O.C.G.A. § 51-3-1, et seq., while at Family Dollar located at 826 Veterans Parkway, Columbus, GA 31901 (hereinafter "the premises").

6.

Plaintiff, while a lawful invitee on the premises, tripped and fell to her knees due to a pothole and poor maintenance in the shopping center's parking lot, causing her to sustain significant bodily injuries.

7.

As a result of the fall, Plaintiff suffered serious bodily injuries, requiring subsequent medical treatment.

COUNT I—NEGLIGENCE

Plaintiff hereby incorporates by reference the allegations contained in this Complaint for Damages and reassert said allegations as if fully set forth herein.

8.

The Defendant failed to meet common law and statutory duties pursuant to O.C.G.A. §§ 51-3-1 and 51-3-2, et al., to exercise ordinary care in keeping the premises and approaches safe and to protect Plaintiff from unreasonable risks of foreseeable harm.

9.

The Defendant was negligent in failing to keep the premises safe and in repair, as required by law. As the direct and proximate result of Defendant's negligence in failing to keep the premises safe, Plaintiff tripped and fell, causing her to sustain personal injuries now and in the future, including bodily injury, pain and suffering.

10.

As a direct and proximate result of Defendant's negligence, Plaintiff incurred medical expenses, in an amount to be proven at trial, for the treatment of the injuries Plaintiff sustained that were caused solely and proximately by Defendant's negligence.

11.

As a direct and proximate result of the Defendant's negligence, Plaintiff will incur future medical expenses, in an amount to be proven at trial, for the treatment of the injuries caused solely by the negligence of the Defendants.

12.

As a direct and proximate result of the Defendant's negligence, Plaintiff incurred lost wages in an amount to be proven at trial.

13.

Plaintiff is entitled to recover of Defendant such reasonable sums as compensatory, general and special damages as may be shown by the evidence.

14.

The Defendant had actual or constructive knowledge of the condition or conditions on the premises which led to the Plaintiff's injuries.

15.

Plaintiff was without fault in causing the aforementioned incident.

WHEREFORE, the Plaintiff prays:

1. That Defendant be served with summons, process and a copy of this Complaint as provided by law;
2. That Plaintiff obtain judgment against the Defendant for general and special damages as determined at trial as well as costs of litigation and expenses;
3. That the Plaintiff be granted a trial by jury as to all triable issues in this cause; and
4. For such other and further relief as this Court deems just and equitable under all circumstances alleged and contained herein.

This 9th day of February 2023.

HAUG BARRON LAW GROUP, LLC



William T. "Billy" Joyner
Georgia Bar No.: 222755
Attorney for Plaintiff

8237 Dunwoody Place
Atlanta, Georgia 30350
Phone: 470-258-1322
Fax: 678-528-2999
Email: Wjoyner@hauglawgroup.com

AFFIDAVIT OF SERVICE

State of Georgia

County of Gwinnett

State Court

Case Number: 23-C-00899-S3

Plaintiff:

Jessica Smith

vs

Defendant

Family Dollar Stores of Georgia LLC

For:

Haug Barron Law Group

Received by Perma Investigations on the 9th day of February 2023 to be served on **Family Dollar Stores of Georgia LLC c/o Corporation Service Company RA 2 Sun Court Suite 400 Peachtree Corners, GA 30092.**

I, Marc Perlson, being duly sworn, depose and say, that on the 10th day of February 2023 at 1:15 PM, I:

Served **Family Dollar Stores of Georgia LLC c/o Corporation Service Company RA** by delivering a true copy of the **SUMMONS, COMPLAINT**, to: Corporation Service Company as **Registered Agent BY LEAVING THE SAME WITH** Alisha Smith as **Authorized to Accept** at the address of **2 Sun Court Suite 400 Peachtree Corners, GA 30092.**

I am an agent of Perma Investigations and am competent in all respects to testify regarding the matters set forth herein. I have personal knowledge of the facts stated herein and know them to be true. I have no interest in the outcome of this action and am not related to any of the parties. I am 18 or more years of age and have been appointed by this Court to serve process.

Additional Information

Latest Status: 0210/2023 1:15 pm corporate service made at 2 Sun Court Suite 400, Peachtree Corners, GA 30092, by serving Alisha Smith, CSC Coordinator. Black female, black hair, 40-45 years old, 5'8", 150 lbs, no glasses.

Subscribed and Sworn to before me on the 13th day of February 2023 by the affiant who is personally known to me.



Marc Perlson
Process Server

Perma Investigations
PO Box 1742
Roswell, GA 30077

NOTARY PUBLIC



**IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

JESSICA SMITH,

Plaintiff,

v.

FAMILY DOLLAR STORES OF
GEORGIA, LLC,

Defendants.

CIVIL ACTION NO.

23-C-00899-S3

DEFENDANT’S ANSWER TO PLAINTIFF’S COMPLAINT

COMES NOW, **FAMILY DOLLAR STORES OF GEORGIA, LLC** [hereinafter “Defendant”], Defendant in the above-referenced matter, and files its Answer and affirmative defenses to Plaintiff’s Complaint, showing this Honorable Court as follows:

FIRST DEFENSE

Plaintiff’s Complaint fails to state a claim upon which relief may be granted.

SECOND DEFENSE

Plaintiff’s alleged damages may have been directly and proximately caused by her own contributory and/or comparative negligence, and failure to exercise ordinary care.

THIRD DEFENSE

No act or omission on the part of Defendant, or any agent or employee of Defendant, proximately caused the harm of which Plaintiff complains.

FOURTH DEFENSE

Plaintiff is barred from recovery under O.C.G.A. § 51-11-7, as Plaintiff had the last clear chance to avoid injury by exercising ordinary care.

FIFTH DEFENSE

Plaintiff is barred for recovery under O.C.G.A. § 9-11-12(b)(1), due to the absence of subject-matter jurisdiction over the events of this suit.

SIXTH DEFENSE

Plaintiff is barred from recovery under O.C.G.A. § 9-11-12(b)(2), due to the absence of personal jurisdiction over Defendant.

SEVENTH DEFENSE

Defendant hereby raises all other affirmative defenses contained in O.C.G.A. § 9-11-8(c) and O.C.G.A. § 9-11-12(b).

EIGHTH DEFENSE

Defendant hereby raises the affirmative defenses contained in O.C.G.A. § 51-3-1, as Plaintiff was not an invitee at the time of the alleged incident and Defendant upheld the applicable standard of care.

NINTH DEFENSE

Without waiving any of the foregoing affirmative defenses, Defendant now responds to the individually-numbered Paragraphs of the Complaint, as follows:

INTRODUCTION

Defendant incorporates herein its affirmative defenses to Plaintiff's Complaint, as if stated verbatim.

1.

Denied.

PARTIES, JURISDICTION AND VENUE

Defendant incorporates herein its response to Paragraph 1 of Plaintiff's Complaint, as if stated verbatim.

2.

Defendant is without sufficient information to admit or deny the statements and/or allegations contained in Paragraph 2 of Plaintiff's Complaint, and as such, they are denied.

3.

Denied.

4.

Admitted.

FACTS APPLICABLE TO ALL CLAIMS

Defendant incorporates herein its responses to Paragraphs 1 through 4 of Plaintiff's Complaint, as if stated verbatim.

5.

Denied.

6.

Denied.

7.

Denied.

COUNT I – NEGLIGENCE

Defendant incorporates herein its responses to Paragraphs 1 through 7 of Plaintiff's Complaint, as if stated verbatim.

8.

Denied.

9.

Denied.

10.

Denied.

11.

Denied.

12.

Denied.

13.

Denied.

14.

Denied.

15.

Defendant is without sufficient information to admit or deny the statements and/or allegations contained in Paragraph 15 of Plaintiff's Complaint, and as such, they are denied.

To the extent the Paragraph starting with "Wherefore" and following Paragraph 15 in Plaintiff's Complaint requires a response, Defendant denies the allegations therein.

Defendant denies any other allegations contained in Plaintiff's Complaint not otherwise addressed herein.

WHEREFORE, Defendant, having fully answered Plaintiff's Complaint for Damages, hereby prays:

- a) That Plaintiff's claims against Defendant be dismissed in their entirety, with costs and fees (including attorney's fees) assessed against Plaintiff;
- b) That each of Defendant's affirmative defenses be sustained;
- c) That, in the event this matter proceeds to trial, a jury of twelve (12) be empaneled to hear this matter; and
- d) That this Court grant such further relief as it deems equitable and just.

This 9th day of March, 2023.

Respectfully submitted,

HALL BOOTH SMITH, P.C.

/s/ Michael V. Profit
MICHAEL V. PROFIT
Georgia Bar No. 359175

Counsel for Defendant

191 Peachtree Street, NE
Suite 2900
Atlanta, Georgia 30303
Phone: (404) 954-5000
Fax: (404) 954-5020

mprofit@hallboothsmith.com

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the within and foregoing **DEFENDANT’S ANSWER TO PLAINTIFF’S COMPLAINT** upon counsel for all parties by electronically filing the same with the Clerk of Court through Odyssey eFile GA, which will automatically send an e-mail notification of such filing to the following attorney of record:

William T. “Billy” Joyner, Esq.
HAUG BARRON LAW GROUP, LLC
8237 Dunwoody Place
Atlanta, Georgia 30350
Wjoyner@hauglawgroup.com

This 9th day of March, 2023.

HALL BOOTH SMITH, P.C.

/s/ Michael V. Profit
MICHAEL V. PROFIT
Georgia Bar No. 359175

Counsel for Defendant

191 Peachtree Street, NE
Suite 2900
Atlanta, Georgia 30303
Phone: (404) 954-5000
Fax: (404) 954-5020

mprofit@hallboothsmith.com

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jessica Smith

(b) County of Residence of First Listed Plaintiff Muscoquee
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

William T. "Billy" Joyner

DEFENDANTS

Family Dollar Stores of Georgia, LLC

County of Residence of First Listed Defendant Virginia
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Michael V. Profit

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
|---|---|--|---|---|---|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 1332(a)

Brief description of cause:

Trip-and-fall premises liability case. Plaintiff and Defendant have complete diversity, and amount in controversy exceeds \$75,000.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

3/10/23

/s/ Michael V. Profit

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the within and foregoing
DEFENDANT’S NOTICE OF REMOVAL via the CM/ECF system, which will
send a notification of such filing and a copy thereof to the following:

William T. “Billy” Joyner, Esq.
HAUG BARRON LAW GROUP, LLC
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Respectfully submitted this 13th day of March, 2023.

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Attorney for Defendant